



Packet No. 1413.02

PATENTS

#7/ald
Reconsider
Petition to Make
Special
12/31/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Israel Morejon et al.**
Application No.: **10/064,570**
Filing Date: **07/26/2002**
For: **Symmetric Spherical QAM Constellation**

PETITION TO RECONSIDER
DECISION ON PETITION TO MAKE
SPECIAL

Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED

DEC 26 2002

Attn: Technology Center 2600

Technology Center 2600

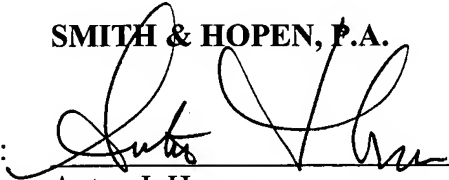
Applicant's petition to make special filed August 15, 2002 under MPEP 708.02, VIII stands denied by the patent office for failure to provide a copy of each of the U.S. patent references most closely related to the subject matter encompassed by the claims. The Office acknowledges the inclusion of the required copies of the Literature documents. Our records indicate that copies of ten (10) U.S. patent documents were included with the initial filing of the Petition (please see attached photocopy of postcard receipt).

Reconsideration is requested as to the merits of the petition and the required copies of the U.S. Patents are included with this communication.

This request for reconsideration, along with the supplemental information, has been provided within two months of the date of the decision, December 11, 2002, and as such, applicant requests that reconsideration be made and that the petition be granted on the merits.

Very respectfully,

SMITH & HOPEN, P.A.

By: 

Anton J. Hopen
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(727) 507-8558
Attorneys for Applicant



smith & hopon, p.a.

Intellectual Property Law Patents Trademarks Copyrights

December 19, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

Applicant: Israel Morejon et al.
Application No.: 10/064,570
Filing Date: 07/26/2002
For: Symmetrical Spherical QAM Constellation
Our Reference No.: 1413.02

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Technology Center 2600

Dear Sir:

Enclosed please find the following:

1. Petition to Reconsider Decision on Petition – (2 pages);
2. Photocopy of postcard receipt – (1 page);
3. Copies of ten (10) U.S. Patent Documents; and
4. Self-addressed and postage pre-paid post card to serve as a receipt for items 1-3.

Very respectfully,

SMITH & HOPEN

By: Anton J. Hopon
anton.hopen@baypatents.com

AJH/dp
Encl.

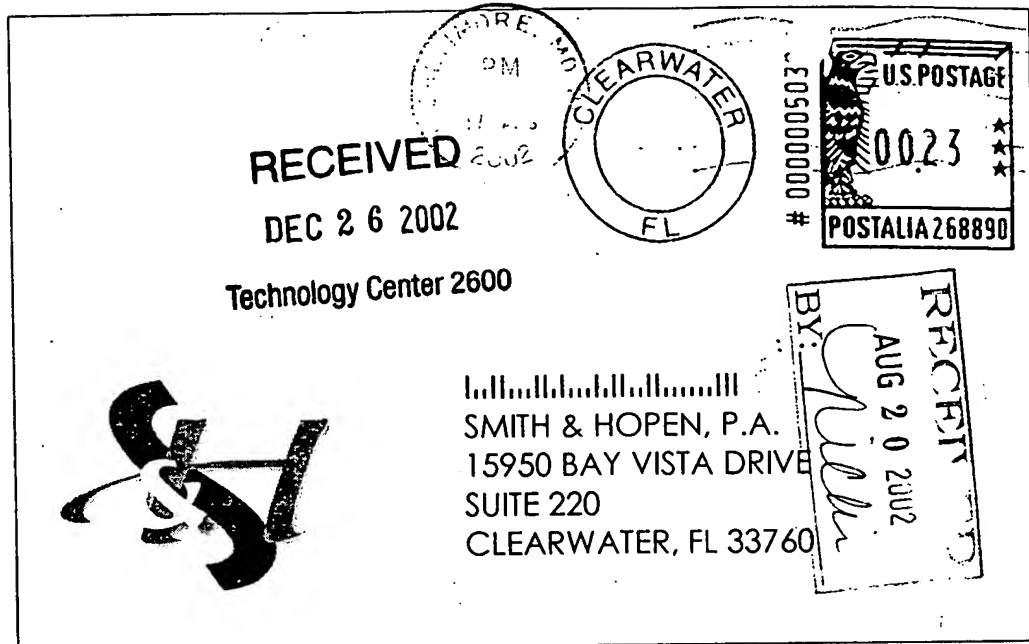
CERTIFICATE OF MAILING
(37 C.F.R. 1.10)

I HEREBY CERTIFY that this correspondence is being deposited with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee," mailing Label No. EL401413225US, addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on December 19, 2002.

Dated: December 19, 2002

Deborah Preza

Attorney-Client Privileged Communication

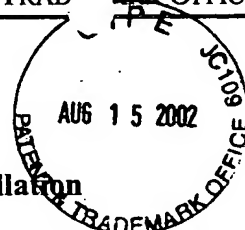


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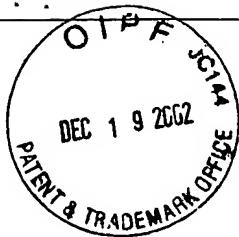


RECEIVED THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Morejon et al.
Serial No.: 10/064,570
Filing Date: 07/26/2002
For: Symmetric Spherical QAM Constellation
Our Ref.: 1413.02



1. Transmittal of Petition to Make Special with Certificate of Mailing under 37 C.F.R. § 1.8 dated August 12, 2002 - (1 page);
2. Petition to Make Special for New Application (6 pages);
3. Information Disclosure Statement By Applicant- (2 pages);
4. Copies of ten (10) U.S. Patent Documents;
5. Copies of six (6) Non-Patent Literature Documents; and
6. Check No. 2063, for \$130.00, payable to Asst. Commissioner for Patents.



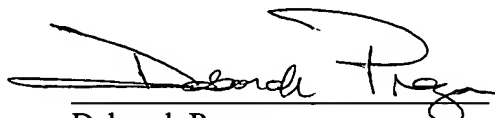
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Dated: **December 19, 2002**


Deborah Preza